



Brian Calandra

Partner

March 30, 2023

**VIA ECF**

The Honorable John L. Sinatra, U.S.D.J.  
Western District of New York  
Robert H. Jackson United States Courthouse  
2 Niagara Square  
Buffalo, New York 14202

The Honorable Michael J. Roemer, U.S.M.J.  
United States Magistrate Judge  
Western District of New York  
Robert H. Jackson United States Courthouse  
2 Niagara Square  
Buffalo, New York 14202

**Re: *Noto v. 22nd Century Group, Inc. et al., 19-cv-01285-JLS-MJR (W.D.N.Y.)***

Dear Judge Sinatra and Judge Roemer:

We represent Lead Plaintiffs Joseph Noto, Garden State Tire Corp., and Stephens Johnson in this action. On behalf of all parties, we respectfully write in connection with the parties' January 31, 2023 joint letter, which requested an extension of time, for defendants to answer Lead Plaintiffs' amended complaint and for the parties to submit a case management order, so the parties could engage in mediation. ECF No. 75. Judge Roemer's February 1, 2023 order granted that request, thereby extending the date for defendants to answer the complaint until April 20, 2023, and directed the parties to jointly complete a proposed case management order within 30 days of the date defendants filed their answer. ECF No. 76.

We are pleased to report that the mediation was successful and that the parties anticipate submitting a stipulation of settlement and motion for preliminary approval by April 25, 2023. The parties therefore request that the Court vacate the above-identified due dates for the filing of the defendants' answer and the proposed case management order so that counsel may focus their efforts on completing the settlement, and set a deadline of April 25, 2023 for the parties to file the stipulation of settlement and motion for preliminary approval.

Respectfully Submitted,

/s/ Brian Calandra  
Brian Calandra

CC: Counsel for all parties (via ECF)

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